IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

IITED STATES OF AMERICA) 0.440D42
Plaintiff,) 8:11CR13)
vs.) DETENTION ORDER
AN CARLOS PINEDA-MENDOZA,	
Defendant.	'
Order For Detention After conducting a detention hearing purs Reform Act on February 4, 2011, the Co detained pursuant to 18 U.S.C. § 3142(e) a	ourt orders the above-named defendant
The Court orders the defendant's detention X By a preponderance of the evide conditions will reasonably assure the	because it finds: ence that no condition or combination of appearance of the defendant as required. t no condition or combination of conditions
The Court's findings are based on the evic contained in the Pretrial Services Report, a X (1) Nature and circumstances of the X (a) The crime: a conspiracy distribute methamphetan 846 carries a minimum somaximum of life imprise distribute methamphetan 841(a)(1) also carries imprisonment and a mapossession of a firearm because 18 U.S.C. § 922(g)(5)(A) imprisonment. (b) The offense is a crime of Yellow (1) The offense involves a nation (2) The offense involves a lawit: (2) The weight of the evidence again wit: (2) The weight of the evidence again may affect wheth The defendant and The defendant of The Defendan	and includes the following: e offense charged: y to distribute and possess with intent to nine (Count I) in violation of 21 U.S.C. § entence of ten years imprisonment and a onment; the possession with intent to nine (Count II) in violation of 21 U.S.C. § a minimum sentence of ten years aximum of life imprisonment; and the by an illegal alien (Count III) in violation of carries a maximum sentence of ten years fiviolence. arcotic drug. arge amount of controlled substances, to inst the defendant is high. of the defendant including: appears to have a mental condition which her the defendant will appear. as no family ties in the area. an have no steady employment. as no substantial financial resources. and a long time resident of the community. does not have any significant community
	Defendant. Order For Detention After conducting a detention hearing purs Reform Act on February 4, 2011, the Codetained pursuant to 18 U.S.C. § 3142(e) at Statement Of Reasons For The Detention The Court orders the defendant's detention X By a preponderance of the evidence conditions will reasonably assure the will reasonably assure the safety of the Court's findings are based on the evidencentained in the Pretrial Services Report, at X (1) Nature and circumstances of the X (2) The crime: a conspiracy distribute methamphetan 846 carries a minimum somaximum of life imprised distribute methamphetan 841(a)(1) also carries imprisonment and a mean possession of a firearm to 18 U.S.C. § 922(g)(5)(A) imprisonment. (b) The offense is a crime of (c) The offense involves a name of (d) The offense involves a name of (d

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, <i>,</i>	The defendant has a history relating to alcohol abuse. The defendant has a significant prior criminal record. The defendant has a prior record of failure to appear at court proceedings. At the time of the current arrest, the defendant was on: Probation Parole Release pending trial, sentence, appeal or completion of sentence. Other Factors: X The defendant is an illegal alien and is subject to deportation. The defendant is a legal alien and will be subject to deportation if convicted. X The Bureau of Immigration and Custom Enforcement (BICE) has placed a detainer with the U.S. Marshal. Other:
Y (4) Tho	nature and seriousness of the danger posed by the defendant's
	se are as follows: The nature of the charges in the Indictment.
In def on th 3142 <u>X</u> (a)	ermining that the defendant should be detained, the Court also relied to following rebuttable presumption(s) contained in 18 U.S.C. § (e) which the Court finds the defendant has not rebutted: That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of any other person and the community because the Court finds that the crime involves: (1) A crime of violence; or X (2) An offense for which the maximum penalty is life imprisonment or death; or X (3) A controlled substance violation which has a maximum penalty of 10 years or more; or (4) A felony after the defendant had been convicted of two or more prior offenses described in (1) through (3) above, and the defendant has a prior conviction for one of the crimes mentioned in (1) through (3) above which is less than five years old and which was committed while the defendant was on pretrial release. That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community because the Court finds that there is probable cause to believe: X (1) That the defendant has committed a controlled substance violation which has a maximum penalty of 10 years or more. (2) That the defendant has committed an offense under 18 U.S.C. § 924(c) (uses or carries a firearm during and in relation to any crime of violence, including a crime of violence, which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device).

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D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: February 4, 2011. BY THE COURT:

s/Thomas D. Thalken

United States Magistrate Judge